Docket # 97N-0217

BELLWETHER
CONSULTING, INC.

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Aquaculture/Aquatic Animal Health

98 JAN 15 P2:24

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Attn: Dr. Bert Mitchell, FDA/CVM (HFV-6)

I wish to thank FDA for circulating the Discussion Draft for "Proposals to Increase the Availability of Approved Animal Drugs for Minor Species." This type of "comments dialogue" provides the type of communication necessary for a positive government - industry interaction on issues critical to both parties, and for the health of animals and the protection of consumers.

As a practicing, state agency and consulting veterinarian over the past 28 years, I can assure you that minor species animals drug approvals and minor drug uses, are critical to the survival of animals and industries in the United States. I find that many minor species producers and drug manufacturers cannot compete in a world market where their international competition has free access to therapeutic agents, and U.S. DVMs and producers have few or no drugs for legal use in treating disease, pain and suffering and reproductive production conditions. I urge FDA to support the ADAA submission to Congress. This is the best and most creative opportunity that I have seen since being involved in this issue. While I do not agree with all the language in this draft, it is a very positive document which should be supported by industry, producers, consumers and the veterinary community. Attached, please find my comments (4 pages).

Sincerely,

John L Pitts

John Pitts, DVM

January 11, 1998

97N-0217 C48

Aquaculture • Industry/Government Interface • Expert Witness/Testimony • Aquatic Veterinary Medicine • Seafood Quality Assurance

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Comments on Discussion Draft: "Proposals to Increase the Availability of Approved Animal Drugs for Minor Species and Minor Uses." Docket # 97N-0217, 12-22-97, submitted to FDA/CVM by J.Pitts, 1-11-98.

Key: p (page#); ¶ (paragraph#); ~~strike out~~; *change or add language.*

p3¶1- "Thus, minor species ~~are~~ *can be* reservoirs and vectors...";
"Furthermore, overuse of a few drugs available for minor species *and/or the lack of appropriate dosage information* can lead to the development of resistance to those drugs";
"Finally, the lack of authoritative information regarding ~~appropriate doses and~~ withdrawal times for minor food-producing species can lead ...."

p3¶2- "In contrast, production aquaculture is more advanced for ~~some~~ *many* of our trading partners.."

p5¶1 - "However, even the most flexible application of standards and policies has been insufficient to significantly affect the availability for approved products for minor use and minor species. To have a significant impact on product availability for minor uses *and minor species*, additional steps are necessary."

p5¶4- "It is FDA's opinion that the change in policy required by Section 403 (FDA Modernization Act of 1997) will not significantly facilitate approvals for minor use drugs." Comment: The Modernization Act will only allow FDA to modify policy, while the ADAA will provide regulatory standards for minor species drug approval. I endorse the FDA problem statement in the recommendation to Congress for minor species drug approvals through the ADAA.

p6¶4 - E. International Harmonization: "Expansion of these efforts *with the recognition of foreign country drug approval test results, GLPs and other related studies and citations*, could have a significant effect on minor use drug approval."

p6- "F. NRSP-7" - Comment: Congress should direct USDA to expand the definition of minor species served by the NRSP-7 Program to include all non-food animal minor species.

p8- Comment: The antibiotic-resistance question and debate should not be allowed to single out Aquaculture or Aquatic Habitats. The current debate is being driven by ignorance and lack of information on the issue by those who are not familiar with the industry or the media in question. There should be a level playing field in which aquaculture should be able to operate in on this question.

While is agree that AMDUCA may retard some submissions of drug approval requests, by some minor species drug sponsors, I believe that more latitude should be given the veterinary community in scripting approved drugs for minor species and especially

minor uses. In aquaculture for example, there are no health care managers who have more to loose that DVMs regarding the diagnostics and treatment of food animals. DVMs are the only licensed practitioners who can loose their ability to practice medicine if drugs are abused or misused. Regardless of the fate of ADAA, CVM should examine and develop (with industries and DVMs) a list of minor species drugs and uses that could best serve the health of animals, while sponsors are being sought. I support a 10 year sunset for aquaculture & other species use of extra-label drug use, during which time practical & necessary needs for animal health should be explored.

p10¶2- 3. Assurance that an Existing Approval Would Not Be at Risk: Comment: Strong support for "The regulations ~~could~~ *should* be amended to assure prospective supplemental NADA sponsors for minor use drugs that their parent application will not be jeopardized by the submission of a minor use supplement." FDA should amend 21CFR 514.106 to prevent "critical reviews of the original major species data packages."

p11¶6- "The Saltonstall-Kennedy Grants Program, which, *in part,* funds aquaculture research, ~~could~~ *should* be ~~increased~~ *directed* to allow money to be earmarked for drug research for use in aquaculture." "A portion of the Hatch fund could be earmarked for *food animal and non-food animal* minor species drug use."

p11¶8- "Expand the scope of the NRSP-7 to allow the funding of research for non-therapeutic drugs and drug for non-food producing animals."Comment: Support

p12¶4 - "The data bases would also include a list of lead-researcher*s and* practitioners from among veterinary research organizations, industry sponsors, university animal science departments and veterinary medical schools with expertise in areas related to one or more of the *minor species and/or* minor use conditions and diseases."

p14&15- "Data Sharing by Major Species NADA Holders" Comment: Support the Congressional Action to "Amend the FD&C Act to create a system whereby the Agency can consider data underlying NADAs for major uses when reviewing NADAs for minor uses, once the drugs are subject to generic competition or have been abandoned or withdrawn."

p15-16 - F. Minor Use Drug Program - "Would a statutory designation of "minor use animal drug" similar to the statutory designation of "human orphan drug" be useful?" Comment - Yes

p17-19- "G.Conditional Drug Approval for Minor Uses Involving Non-Food Animals" There would be some limitations associated with the conditional approval:
-No extra-label use would be permitted - OK;
-Quantity of product would be established prior to conditional approval; unexplained excess would be basis for revocation - This will be very difficult to

do for some minor species groups with the diversity of species, conditions and the multiple drugs available; This is a necessary process for prevention of diversion to the food side, but there should be exemption for record keeping for products that are packaged and sold in small quantities and dilute forms.
-conditionally approved" statement prominently included (on label) - this will be very expensive and may confuse the lay user of otc drugs. Consideration should be given to waive requirement for small volume containers and quantities;
-Minor use products with conditional approval label could not apply to major use label - OK;
-There could be more than one sponsor of a conditional approval for the same product, but when one manufacturer receives full approval, the others would be revoked - There are cases where multiple sponsors should be given the chance to join together and share costs for common drugs that have been used historically. CVM should work with industry/sponsors to develop a process which is acceptable to CVM;
-If not completed in 5 years, no second conditional approval for product - There may be circumstances where the required documentation cannot be provided in 5 years, or that regulatory agencies cannot process the applications in a reasonable fashion. The sponsor should be given the opportunity to defend their application if it exceeds the 5 year limitation.

Congressional Action: Amend FD&C to allow conditional approvals for *non-food animal* minor use drugs.

p19-22 "H. Alternate Approval Standard/Expert Review Panels for Minor Uses Involving Non-Food Animals":

p20¶1 - "...with for example, ~~"sufficient evidence of drug safety and effectiveness to convince qualified experts that the risk to the species of approving a drug for a particular use is clearly outweighed by the risk of not approving the drug"~~. .... the standard ~~might~~ *would* be, "sufficient evidence to convince qualified experts that the consequences of approving a drug are preferable to the consequences of not approving it." (Suggest striking the first example and using the second example to define the experts charge. The first is negative and too narrow.)
-The criteria for, or the ability to, quantify "the amount of harm being caused by the absence of an approved drug ", is a very difficult task and FDA guidelines should be developed in concert with industry and expert's input.

p20¶3 - "... that approval has been gained ~~via less stringent requirements than those of a standard NADA~~ *using the FDA alternative approval process standards and procedures, designed specifically for non-food minor species companion animals and zoo animals."*

p20¶4 - " .. would primarily benefit zoological and wildlife species, as well as, ~~exotic~~ *minor species companion pet animals* and ornamental fish.

p21¶4 - 2. Alternative Standard for Approval Under this Model: "It would be defined as comprising sufficient evidence of drug safety and effectiveness to convince

qualified experts that ~~the risk to the species of approving a drug for a particular use is clearly outweighed by the risk of not approving the drug~~ *the consequences of approving a drug are preferable to the consequences of not approving it."*

p21¶8 - Add language at the end of this paragraph: *In addition, the expert panel should evaluate the selection of species used for target animal safety and effectiveness studies and suggest appropriate crop grouping.*

p22 Particular issues where CVM is seeking comment:
-Will animal caretakers find drugs approved under alternative standard acceptable? Yes, if the label language about the approval process and standards are written in a way that reflects the positive nature of the intent ;

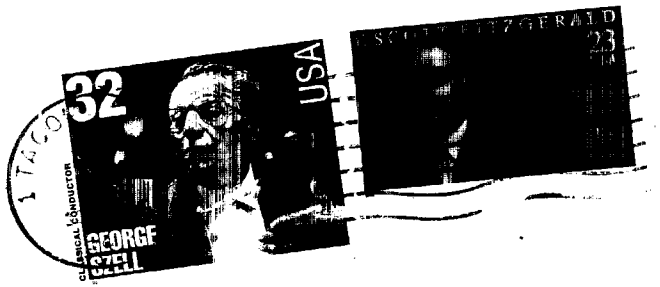
p22-24 - I. International Harmonization: I support any effort for FDA to recognize and utilize qualified foreign country data in this minor species drug approval process.

New Positions:

1. FTE p9¶6 - Minor Use Advocate in the Office of Surveillance & Compliance: Is this an advocate for the industry or for CVM, or both? How will this position interact with industries in compliance; out of compliance? How does this advocate interact with FDA Regional Offices
2. FTE p12¶1&2 - " Minor Use Coordinator": Encourage other minor-species groups to develop positions such as the NADA Aquaculture Coordinator position.
3. FTE p12¶3 - "Establish a Minor Species Database": I support the development of a Minor Species Database.
4. New Work Group Unit - p16&17 "Species-group experts" "Work unit": I support the species-group experts work group within the Office of NADE. It should provide valuable assistance having a person assigned to an issue or species, that an industry or producer can have a role in education and serve as a specific contact person within FDA/CVM.

Other issues:
Crop Grouping Issue: I saw little mention of crop grouping in this document. Mention should be made in the introduction and, at the least, in Section H., "Experts".

There should be a clear distinction between food animal and non-food animals issues. Non-food species present far fewer problems related to human health and other issues of CVM concern.



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